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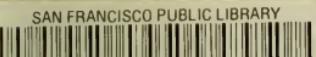
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JAPAN AND AMERICA



# America and Japan

■  
Their Treatment of Foreigners  
and Resulting Conditions

■  
Policies in Immigration, Exclu-  
sion Land Ownership and  
Lease, Citizenship, Dual  
Citizenship

■  
*By V. S. McClatchy*

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# AMERICA AND JAPAN

By V. S. McCLATCHY



Under the leadership of Sidney L. Gulick and George W. Wickersham, a nation wide campaign was inaugurated in April, 1925, to induce Congress to so amend the law excluding aliens ineligible to citizenship as to except Japanese from the operation thereof and grant them the same privileges under immigration quota as are conceded to Europeans.

This campaign promises to reopen public discussion of the entire exclusion question, with little probability of securing any change in the law, but with the certainty of reviving racial friction and misunderstanding which has been declining steadily under friendly advances on both sides. President Coolidge has said, "The incident is closed. We must seek by some means besides immigration to demonstrate the friendship and respect which we feel for the Japanese nation." If the published statements of the leading members of the Immigration Committee of each House furnish reliable indication, Congress is firmly determined not to open the door to Asiatic immigration by any exception, however slight, to the established principle of excluding aliens ineligible to citizenship.

## A CHURCH MOVEMENT

The Gulick-Wickersham movement has the backing of the Federal Council of Churches of Christ in America, in which organization are listed most of the Protestant denominations; the Commission for International Justice and Goodwill, an auxiliary of the Federal Council; the National Committee for Japanese-American Relations; and the National League for Constructive Immigration Legislation. Dr. Gulick is Oriental Secretary of the first named and Executive Secretary of the others, two of which he organized. Wickersham is nominal head of the second and third named organizations. Hamilton Holt's name appears as head of the last mentioned body.

Dr. Gulick, since his arrival, about 10 years ago, in this country from Japan on leave from Doshisha University, has spent much of his time and ability in the attempt to secure some modification of our established policy and laws, so as to admit Japanese to permanent residence and citizenship on the same basis as Europeans.

Wickersham, formerly U. S. Attorney General, has acted as attorney for the Japanese before the U. S. Supreme Court in cases wherein they sought to have certain State and Federal laws set aside so far as they apply to Japanese. He acted as attorney for Mitsui & Co. of Japan, in 1922, when Congress was investigating charges of fraud against two American war-time airplane companies which, it developed, were owned or controlled by Mitsui & Co. The investigation was quashed by Abraham S. Meyers, who was placed in charge of all war-time fraud cases, his selection for that position having been secured through influence of Wickersham, according to charges made on the floor of the House by Congressman Woodruff, April 22, 1922.

Hamilton Holt organized the first Japan Society in this country at New York, and was decorated by the Mikado for friendly services to Japan.

In furtherance of the campaign for amendment of the present law to meet Japan's demands, nation wide distribution has been made among Church and Women's organizations of a leaflet by Sidney Gulick entitled "America and Japan—Facts Bearing on Popular Misinformation," the object being, as stated, "to correct many mistaken assertions regarding Japanese in America and Americans in Japan." The effect, however, is rather to increase misinformation and misunderstanding on the part of those not familiar with the facts. The following discussion of certain points covered in the leaflet indicates the manner in which the omission of some facts and incomplete explanation of others tend to create entirely incorrect impressions of the situation in the mind of the reader.

The statements made in this leaflet by Dr. Gulick furnish a fair sample of many by means of which he has misled sentiment in church and other organizations on the subject of Japanese im-

migration. Other statements made by him can be answered as conclusively by anyone familiar with the facts.

## LAND OWNERSHIP IN JAPAN

Reference is made by Dr. Gulick to the "Widespread misstatement that Japan allows no foreigners to own land." He concedes that foreigners may not buy land in fee simple in Japan, but says that 238 foreigners own a total of 851 acres; that 671 foreigners hold 977 acres under lease or superficies; and that 234 acres of the land thus owned or held is farm land. He fails to state, however, that certain old rights under which a foreigner might own land in Japan are no longer granted; and that, regardless of title or lease, no foreigner may use agricultural land for profit. (See House Doc. 89, 69th Congress, 1st Session, p. 11).

As a matter of fact, the conditions under which Japanese own and may cultivate agricultural land in California for profit, are very much more favorable even under the existing restrictive laws than are granted to foreigners, including Americans, in Japan today. In 1920 the Japanese owned and cultivated 74,769 acres of California's richest lands (see "California and the Oriental," State Board of Control Report, 1920, page 47) title to which had been acquired previous to passage of the alien land law in 1913. They have been steadily adding to that acreage since then by purchase on behalf of Japanese, born in the United States, and entitled thereby to the rights of American citizens. Japan wisely allows no such privilege to children of Americans born in Japan. All this acreage of California land is being used by Japanese in truck gardening, orcharding, etc., in competition with white American citizens, a privilege forbidden to foreigners in Japan, even if they have leasehold to a few acres of land. While alien Japanese, as aliens ineligible to citizenship, may not lease agricultural lands in California, they have the right, in accordance with the Japan Treaty and the California law, to lease land for commercial and residence purposes; and hundreds of Japanese have availed themselves and are availing themselves of that right in the large and small cities of the State. The few leases granted to foreigners in Japan are severely restricted.

The following authorities establish beyond question Japan's policy and law in forbidding ownership of land to foreigners:

"Foreigners have no right of land ownership in Japan." (Excerpt from decision of the Tokyo District Court, May, 1913, in the case of Rev. W. D. Cunningham, an American Missionary, vs. Hiranuma Hachitaro, a Japanese).

"Japan does not permit ownership of her land by foreigners." (Language contained in statement made to the Japanese Diet on January 30, 1921, by Baron Uchida and published in the Associated Press report in this country).

"In Japan the right of ownership of land is not granted to foreigners." (Extract from article by M. Maita in December, 1920, number of the Japanese Review of International Laws).

"It is certain that tho the leasing of land is allowed to foreigners in Japan the pursuit of agriculture is not." (Extract from the Kobe, Japan, Chronicle, September 25, 1920).

"The law of 1873 denied to aliens the possession of rights in land in Japan. This law was to be repealed by an enactment of 1910 which, however, was not put in operation." (Extract from letter from T. Taketomi, Consul General of Japan at San Francisco, to V. S. McClatchy, April 11, 1925).

Great Britain has a treaty with Japan (the terms of which in this particular matter were accepted by only one of her Dominions, Canada) under which Japanese are conceded the rights of citizens in land ownership and other matters. Under that treaty Japanese have been acquiring land in British Columbia. The treaty, however, contains also a clause as to reciprocal treatment of the respective citizens of each country in the other; and British Columbia has recently claimed, and has been conceded by official opinion from Dominion authorities at Ottawa, the right, under that provision, to deny land ownership to Japanese. The reason is that Japan denies land ownership to all foreigners, including Canadians.

In March, 1925, the Japan Diet passed a law which, it was claimed, would give, when promulgated, reciprocal rights in Japan in the matter of land ownership to citizens of such countries as

grant similar privilege to Japanese. That law, however, while amendatory of the existing land law, does not give right to any foreigner to own land in Japan, and does not contemplate such a right. It is entirely negative in its effect, and provides only that the Imperial Government may enact reciprocal legislation forbidding or restricting land ownership to citizens of countries, or sub-divisions of countries, the laws of which restrict Japanese in land ownership.

## JAPAN'S EXCLUSION OF CHINESE

The Gulick statement declares that "Japan has no exclusion law even for Chinese and Korean laborers" and that Chinese merchants and travelers travel freely in Japan. It is equally true that the United States has no exclusion law for Japanese, and that Japanese merchants, tourists and students come into the country now in greater number and with less inconvenience to themselves than ever before. But we do exclude the Japanese, and Japan does exclude the Chinese.

Our law excludes aliens ineligible to citizenship. The Japanese chance to be in that class, tho they constitute but seven per cent of that portion of the world's population so barred from entrance.

Japan has an Imperial Ordinance, No. 352, which gives authority to governors of prefectures to exclude foreign labor, the introduction of which is deemed detrimental to Japanese interest. That authority is used specifically to keep out Chinese, and if the prefectural authorities are careless in the matter the Imperial Government interferes. Note the following incidents

In January, 1919, under instructions from the Imperial Government, 200 Chinese, who had been admitted into the Prefecture of Hiroshima during the preceding month to labor in a charcoal factory, were ordered deported by the Imperial Government. The "Herald of Asia," of Tokyo, published by M. Zumoto, the "Colonel House" of Japan, said in its issue of December 28, 1918, in regard to this case; "This is the first importation of Chinese labor into Japan. We hope that it will be the last experiment ever to be made. If it is brought into this

country in any large force the welfare of our laborers will be seriously affected."

About a year ago 1,000 or more Chinese who had come into Tokyo and other Japanese cities as umbrella merchants were deported on the allegation that they had become laborers. The statement was published in this country by the Associated Press.

On December 9, 1924, a steamship Captain, just arrived in Victoria, B. C., in an interview which was telegraphed to the United States, said that Japan was about to deport 6,000 Chinese who had located in Tokyo, Osaka, and outside prefectures.

In August, 1924, China sent her seventh formal protest to Japan, concerning exclusion of Chinese, and called attention to Japan's inconsistent attitude in thus excluding people of her own color while demanding admission of Japanese into the United States.

An Associated Press telegram from Tokyo, May 28, 1925, states: "The 'Chuo' says that the Social Bureau of the Home Office has decided to put a strict embargo on the entrance into Japan of Chinese laborers."

No one familiar with the facts, unless it be Dr. Gulick, denies that Japan systematically excludes Chinese. Japanese writers say that such course is necessary in protection of Japanese labor, because of the lower standard of living of the Chinese. It is well known that Japan's attempts to colonize Korea and Manchuria failed because the Japanese could not compete economically with Chinese or Koreans. Japan's policy of exclusion of Chinese is, therefore, a wise and proper one, in her own interest, and follows the recommendation made to her by Herbert Spencer over forty years ago. Our reasons for excluding Asiatic peoples, including the Japanese, are very similar, and are equally wise and necessary in the interest of our citizens. It may be added that, even if Japan, for any reason, saw fit to admit Chinese immigration, the fact would furnish neither reason nor excuse for the United States admitting races ineligible to citizenship, or barred for other good reasons in the nation's interest.

Our new immigration law is liberal in the matter of admission of aliens, including those ineligible

to citizenship, as merchants, tourists and students, for temporary residence. The Japanese newspapers of San Francisco report that under it the number of Japanese entering under the classifications named is very much in excess of the number who came during a similar period under the Gentlemen's Agreement, and that there is less inconvenience to them in the formalities of admission. The new law does not permit any alien ineligible to citizenship and who had already acquired the privilege of permanent residence to bring in wife or relatives, however. It was the abuse of this privilege, particularly in the matter of "picture" and "kankodan" brides, which brought into San Francisco and Seattle each year, up to passage of the new immigration act, between 2,000 and 3,000 Japanese women for wives, to found average families of five each.

## INCREASE OF JAPANESE POPULATION

In the effort to show that Japanese population in continental United States has not increased sufficiently to become a menace, Dr. Gulick declares that Japanese immigration since 1908, when the Gentlemen's Agreement was put into effect, "has practically stopped." He claims that the net increase of foreign born Japanese in continental United States in sixteen years following 1908, due to immigration, was only 10,959, and that during that period 21,869 more males departed than entered the United States.

These conclusions are reached only by a misuse of statistics, the figures for "immigrant" and "non-immigrant" classes having been combined. We are concerned only in the immigrant class that comes for permanent settlement. "Japanese Exclusion," by John B. Trevor, (Document No. 600, issued by the House Immigration Committee, February 4, 1925), answers the Gulick contention fully and shows that the increase of the Japanese "immigrant" class for the period referred to was 72,906 (the difference between those arriving and those departing). Of this total gain of 72,906, 17,126 were males and 55,780 were females. Again the report of the Secretary of Labor, 1923, table 4, page 133, "Immigration and Emigration, and Net Gain

or Loss, 1908—1923, by Race," shows for the Japanese an immigration of 125,773 and an emigration of 41,781, a net gain for these fifteen years under the Gentlemen's Agreement, of 83,992.

Those figures, however, do not cover the total increase in Japanese population in continental United States due to, or resulting during, operation of the Gentlemen's Agreement. A certain portion of the increase is due to introduction of "picture brides" and "kankodan brides," each producing on the average a family of five children, and to surreptitious entries. The Gentlemen's Agreement was entered into, as explained by President Roosevelt, who made it, for the express purpose of preventing increase of Japanese population in continental United States, since such increase was calculated, in his judgment, to provoke racial conflict and international trouble. This intent was evaded by the importation of Japanese brides; while in the case of Chinese such importation of women was not permitted.

The objectionable conditions resulting from operation of the Japanese Agreement, are indicated by the following comparative statistics furnished by records of the Immigration Department: For the last year, under the Gentlemen's Agreement, ending June 30, 1924, the number of Japanese of the "immigrant" class entering the United States, was 8481, *nearly all of them coming for permanent settlement*. For the first six months, under the new Immigration Act ending December 31, 1924, the number of Japanese of the "immigrant" class entering was 453, *none of whom came for permanent settlement*. It should be explained that the Immigration Department includes in its "immigrant" classification not only those coming for permanent settlement, but also those who come for more than a year's stay, such as diplomats and students.

## OUR PRESENT JAPANESE POPULATION

The Japanese population of the United States in 1925 is not less than 300,000, of which 125,000 are in Hawaii and the balance in continental United States. This is exclusive of between 30,000 and 35,000 Japanese minors, born under the American

flag and now receiving education in Japan, and entitled to return to this country, and who may be expected to return almost without exception, before the age of twenty.

The correctness of the 1925 population figures for Hawaii is conceded. Dr. Gulick's figures for Continental United States would be about 137,000 instead of 175,000, because of a difference between the census figures of 1920 and reliable official estimates, for the Pacific Coast states. For instance, the census showed only 71,952 Japanese in California, while the estimates referred to agreed on 100,000. The figures were made by the State Board of Health and received partial confirmation from various sources, official and non-official. Even the Japanese census, gathered under order of the Japanese Government, by postal card and conceded to be incomplete, showed in California 11,000 more Japanese, and in the Pacific Northwest 5,000 more Japanese, than did the United States census. (See McClatchy "Brief," prepared for the State Department, October, 1921, Sections 68 to 83). Dr. Gulick concedes that the Japanese population in California has increased 21,000 or 22,000 since the 1920 census. The Japanese population of the United States increases by birth alone about 12,000 per year, of which nearly 6,000 are credited to Hawaii and between 4,500 and 5,000 to California.

## THE JAPANESE BIRTH RATE

In the effort to prove that the Japanese birth rate is not high and does not therefore constitute a menace, Dr. Gulick shows that the Japanese in Hawaii have a lower birth rate than Chinese and certain other races now excluded from entry. He is silent, however, as to birth rates in California. Already nearly half the population of Hawaii is Japanese. In California figures of the State Board of Health show that the birth rate per thousand population among Japanese is three times that among the whites, even where the proportion of adult males to females is three to one among the Japanese while it is practically one to one among the whites. L. E. Ross, Registrar of Vital Statistics of the State Board of Health of California, says "A study of the vital factors affecting the several race

stocks in California, as shown by the vital-statistic records leads to the conclusion that there is no race within our borders that can compare with the Japanese in rate of reproduction and vitality. Their birth rate is high and their death rate is low \* \* \* In 1920 alone the Japanese increased their population 5.4 per cent by reproduction, while the white race increased 0.5 per cent, one-tenth as fast." (State Board of Health Bulletin October, 1921.)

## JAPANESE VOTERS IN HAWAII

To prove that Hawaii is safe from Japanese domination, the Gulick statement quotes Prof. Romanzo Adams, of the University of Hawaii, to the effect that Japanese voters in 1941 will probably constitute only twenty-two per cent of the total voters of that territory, and will not increase appreciably thereafter.

Louis R. Sullivan made investigations into the racial question in Hawaii, extending over a period of a year and a half, on behalf of the American Museum of Natural History and the Bishop Museum of Honolulu. He published in the "Asia" magazine for July, 1923, an article covering his conclusions, in which he said "It is estimated that in 1940 there will be 31,000 Japanese voters in a total electorate of 66,000." The year 1940 is still fifteen years ahead, and, even now more than half the school children of the territory are Japanese, all of them over six years of age.

## LOYALTY OF AMERICAN-BORN JAPANESE

The Gulick statement assumes that Japanese children born in this country will be loyal to the United States rather than to Japan, basing the opinion on statements made by young Japanese school children in the public schools.

It is not doubted that some Japanese children born in this country would become loyal American citizens who could be depended on even in a crisis. It would be unwise to assume that all, or even a majority of the Japanese born in this country would develop into dependable American citizens on no better foundation than a statement from young school children. It must be remembered that after a comparatively few years of association with

American children in the public schools the average young Japanese boy or girl returns to Japanese environment, and, to a great extent, loses contact with Americans. There is no opportunity for assimilation, and he drops back into Japanese trend of thought and ideals. Dr. Gulick himself called attention to this in his pamphlet "Hawaii's American-Japanese Problem," published in 1914, in which, speaking of Japanese boys after they leave school, he says "Most of these boys will be isolated from English speaking Americans; they will be associated chiefly with men of their own race, imbibing therefore the Oriental ideas as they approach manhood." And he adds this striking language—"If as Asiatics they maintain their traditional concept of God, nature and man; of male and female; of husband and wife; of parent and child; of ruler and ruled; of the state and the individual; the permanent maintenance in Hawaii of American democracy, American homes, and American liberty, is impossible."

Dr. Gulick suggested as a solution that the Japanese be converted to Christianity; but comparatively few Japanese become Christians, and even with such as do the efficiency of the remedy appears doubtful.

Speaking of the alien races in Hawaii, Louis R. Sullivan, quoted above, says "It is possible to predict positively that the Chinese, Japanese and Koreans can never be assimilated or Americanized in the sense in which these terms are wont to be used."

It is to be remembered, too, that the Japanese children in Hawaii and California have been persistently taught in the separate language schools, which they are compelled to attend after public school hours, the ideals and national and racial aspirations of Japan; that a Survey Commission of the Department of Education at Washington in 1920 denounced these schools in Hawaii as "un-American if not anti-American" and recommended they be abolished (Bulletin No. 16, 1920); and that Hawaii has been fighting since to secure such control of these schools as will guard against Japanization of the young children who have received the privileges of American citizenship.

As further evidence in the same direction, thou-

sands of the young Japanese children born in California and Hawaii are sent back to Japan each year to remain there at school for from five to ten years, until they have reached ages between 17 and 19. They return then to the United States definitely fixed in their loyalty to Japan, and yet entitled to the rights of American citizenship. From San Francisco alone 6,649 children of ages generally below ten years were sent back for this purpose in the three years ending July 1, 1922, as shown by immigration department records. In 1921 the number of young American citizens of Japanese parentage thus being trained in Japan in Japanese citizenship included 20,000 from Hawaii and between 12,000 and 15,000 from California.

The best indication of the value of the material in the average Japanese for American citizenship is what they will do on the average, or en masse, after reaching maturity and under stress. Hawaii has furnished an illustration. The Hawaiian sugar planters encouraged the entrance of Japanese as plantation laborers, and for many years were warm advocates of their value in that regard, and of the merit of their children as American citizens. In 1921, following the general strike by Japanese, constituting a majority of the laborers employed on the sugar plantations, the Hawaiian Legislature sent a commission of planters to Washington, to ask Congress to protect the territory against the threatened domination of land and industry by the Japanese. The Commission urged that the Immigration Law be so amended that Hawaii might import Chinese, in the hope of driving out the Japanese thereby. In the course of a hearing before the House Immigration Committee (see the published transcript) statements were made on behalf of Hawaii to the effect that the sugar strike was an attempt on the part of the Japanese, as a race, to secure possession of the sugar plantations by causing loss to the owners and then buying them in with Japanese capital; that the strike had become in effect a racial conflict, in which practically every Japanese on the Island of Oahu, whether alien or American born, whether Christian, or Buddhist or Shintoist, and acting either voluntarily or under duress, was assisting his race in this fight, by subscription or action.

## THE PROBLEM OF DUAL CITIZENSHIP

The Gulick statement claims that the law passed by the Japanese Diet July 1, 1924, and effective December 1, 1925, does away with the problem of dual citizenship by "recognizing the exclusive American citizenship of American born children." That statement is a mistake.

The United States is the only nation in the world which confers the great privilege of citizenship upon all children born to aliens within its borders, and entirely regardless of the fitness or desire of the recipients for citizenship when they shall reach majority. The grave consequences following operation of this provision of our National Constitution are seen in the case of the Japanese. Up to December, 1925, the law of Japan practically denied to its citizens the privilege of expatriation, for it permitted such withdrawal from Japanese citizenship only between the ages of 15 and 17, and then on application of parents, or guardians, and formal approval by the Home Office. In consequence, in 1920, out of 90,000 or more Japanese born under the Stars and Stripes and holding thereby all rights of American citizenship, only 64 had been permitted to expatriate by Japan, and only 72 had applied for that privilege. The publication of this fact in the United States created so much adverse criticism, particularly in the Territory of Hawaii, that more applications for expatriation were received and more favorable consideration given to those made, particularly during the past two years, so that by the end of 1924 when the new law referred to went into effect, Japan had granted the privilege of expatriation to something less than 2,000 of the 130,000 or more Japanese born in the United States up to that time.

The new Japanese law, in the shape of an amendment to the act which has been in force for many years, provides that a Japanese born thereafter in any one of certain designated countries wherein he shall have acquired nationality thereby, shall lose Japanese nationality from birth unless he declares the intention to retain that nationality; and that a Japanese born in Japan, or born prior to operation of the amendment, in a country conferring citizenship by birth, may renounce Japanese

nationality at will, if he retains the nationality of the foreign country and has domicile therein.

It will be seen therefrom that any Japanese already born in this country and enjoying American citizenship does not lose his Japanese nationality unless he formally renounces it. Arthur Henning, Staff Correspondent of the Chicago Tribune, in letters from Hawaii, May, 1925, stated that the Japanese had shown so little interest in renouncing nationality under the new law that the Japanese Consul was urging them to take steps thereto. It is equally plain that under the new law a Japanese born hereafter in this country may retain his Japanese citizenship by registration with the Japanese Consul at the time of his birth; and that course is still being generally, if not universally, pursued. The result is that with comparatively few exceptions, considering the great number of Japanese in this country, the new law has made little change in the dual citizenship of Japanese.

This disinclination of Japanese to relinquish their citizenship is not a fault, but a virtue in them, and furnishes one of the outstanding reasons for the great national solidarity of Japan, unique among the nations of the earth. But it furnishes an equally good reason why the average Japanese may not make a good citizen of the United States.

## THE ATTITUDE OF CONGRESS

From public and private expressions of prominent members of Congress, it is gathered that the quota plan for Japan, now demanded by Gulick and Wickersham, in the name of several organizations, was fully considered by Congress and condemned for a number of reasons, the action on this issue in each House being practically unanimous. Adoption of the plan would entail abandonment of the Nation's established policy of excluding aliens ineligible to citizenship and of the principle upon which that policy is founded; it would necessitate granting a similar privilege to all Asiatic races, or gratuitously offending many of them by discriminating against them and in favor of Japanese; it is known now that the quota plan alone would not satisfy Japan and her friends, and that it would

serve only as an entering wedge for demand for unrestricted entrance of women for wives, for land ownership and for citizenship, as contended for by Dr. Gulick during the past ten years.

Congress gave careful consideration to each alternative plan suggested for solution of the Japanese problem and found them all objectionable or impracticable for reasons which appear fully in the records. The alternative plan which President Roosevelt intended to adopt and which Japan had agreed to accept, if the Gentlemen's Agreement failed, was a Japanese exclusion act. Congress properly declined to pass such a measure because of the hurt to Japan's pride which it would involve and because the object could be accomplished in another way, without discrimination and without giving Japan just cause for offense. This was done by placing in the general law the established principle of exclusion of all aliens ineligible to citizenship, a principle to which Japan had given endorsement when she agreed with President Roosevelt that Japanese population in the United States should not increase lest friendly relations between the two countries might be disturbed by racial friction. It is insisted that Congress took the only course open to her which would protect the interest of this country, that it was done without desire or intent to offend, and that it offers no just cause for offense.

The reasons which influenced Congress in reaching its decision in the matter, are set forth partly in the report of the House Immigration Committee No. 350, March 24, 1924, and further in the House Document No. 600 referred to above. These reasons, as indicated in the documents mentioned and in other records of Congress, were briefed for consideration of the Japanese in two leaflets "Congress and Japan" and "California's Answer to Japan," published by the California Joint Immigration Committee.



